

**REMARKS**

Initially the Examiner is thanked for indicating that claims 12 and 13 contain allowable subject matter and would be allowed if rewritten in independent form, however, the office action is confusing in so much as Claim 13 is also rejected, as will be discussed below. In view of the arguments made herein, reconsideration and withdrawal of the rejections of the application are respectfully requested. Claims 1, 3-58, and 60-71 are pending with all claims having been rejected by the Office Action.

**OBJECTIONS AND 35 U.S.C. § 112 REJECTIONS**

Examiner has rejected claims 64, 69, and 71 under 35 U.S.C. § 112, second paragraph as they allegedly contain limitations lacking antecedent basis. Claims 64, 69, and 71 were amended in response to the preceding office action filed February 22, 2005. A copy of the claims as presented in the preceding office action is attached for the purposes of demonstrating the earlier amendments to claims 64, 69, and 71. Accordingly, withdrawal of the rejection is requested.

**35 U.S.C. §§ 102 AND 103 REJECTIONS**

The Office Action also rejects claims 1, 3-11, 14-28, 32-39, 44-45, and 48-49 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,381,012 to Russek. This rejection is respectfully traversed for at least the following reasons,

Claim 1 recites:

a main locating means provided on the attachment means for locating a central electrode of the at least three electrodes substantially about the umbilicus of the subject; and

two secondary locating means provided on the attachment means disposed on respective opposite sides of the main locating means for locating two corresponding side electrodes of the at least three electrodes

In the Office Action, it is alleged that elements 51-56 of Fig. 7 of Russek are “locating means.” The Examiner’s attention is directed to col. 5, lines 5-18, where elements 51-56 of Russek are described as “snaps.” The specification further clarifies that “the electrodes 50 are snapped into the desired snaps 51-56.” In contrast, col. 3, lines 17-33 of Russek describes a locator portion 4, which is also shown in Figs. 1, 5, 7, 9, etc. The locator portion is as clearly described in the specification in Russek for alignment with the spine. Thus contrary to the Examiner’s assertions, Russek does not teach a main locator means for locating an electrode about the central umbilicus and two secondary locating means for locating two corresponding side electrodes of the at least three electrodes. Rather Russek only teaches a single locator portion. It is submitted, that the Examiner’s interpretation of the snaps as locator means is contrary to the direct teachings of Russek, as Russek already provides a locator portion.

Accordingly, claim 1 patentably distinguishes over the relied upon portions of Russek and is allowable. It is respectfully requested that the rejection of claim 1 be withdrawn. Further, as claims 3-11, 14-28, 32-39, 44-45, and 48-49 depend from allowable claim 1, it is requested that these rejections also be withdrawn.

The Examiner has rejected claims 52-58, and 60 under 102(b) as anticipated by U.S. Patent No. 5,724,996 to Piunti.

Claim 52 recites a step of “providing means electrically connecting said at least three electrodes and a signal generator, said means enclosed within an attachment means.”

It is respectfully submitted that Piunti does not teach such a step. The Examiner alleges that the insulative covering of the conductor wires are an “attachment means.” But the instant application makes clear that in context, the term “attachment means” refers to the belt like portion of the device (See pg. 20, ll. 1-2). It is respectfully submitted that the insulated wires of

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Piunti cannot be fairly interpreted as a belt, or “attachment means”. Accordingly, claim 52, as amended, patentably distinguishes over the relied upon portions of Piunti and is allowable.

Claims 53-58, and 60 which depend from claim 52 are allowable therewith.

The Examiner has also rejected claims 13, 29, 30-31, 46-47 and 50-51 under 35 U.S.C. § 103(a) as unpatentable over Russek, either alone, or in view of U.S. Patent No. 5,190,036 Linder. Further, the Examiner has rejected claims 61-71 under 35 U.S.C. § 103 as unpatentable over Piunti.

In response, it is respectfully submitted that because each of these claims depends from either claim 1 or 52, which have been distinguished over the relied upon portion of the cited references above, claims 13, 29, 30-31, 46-47, 50-51, and 61-71 are similarly patentably distinguished over the cited references. Accordingly, withdrawal of these rejections is earnestly solicited.

**CONCLUSION**


In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the cited prior art, entry of the foregoing amendment is respectfully requested and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to  
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Respectfully submitted,

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